



BUREAU OF LAND MANAGEMENT
Eastern States Office
20 M Street SE, Suite 950
Washington D.C. 20003



**DECISION RECORD FOR BLM EASTERN STATES
JUNE 2018 COMPETITIVE OIL AND GAS LEASE SALE
ENVIRONMENTAL ASSESSMENTS:
DOI-BLM-ES-0020-2017-0004-EA & DOI-BLM-ES-0020-2018-0005-EA**

INTRODUCTION

The Bureau of Land Management (BLM) proposes to lease, for potential oil and gas development, 26 parcels, representing a total of 2,248.43 acres. The total acreage comprises 25 parcels, located within the Arkansas counties of Van Buren and Cleburne, and 1 parcel, located within the Louisiana parish of Lafourche. The parcels would be a part of the June 2018 BLM Eastern States Competitive Oil and Gas Lease Sale (June Sale) and are comprised of 9 Expressions of Interest (EOI). All of the 25 Arkansas parcels are privately owned, while their subsurface is either public domain (EOIs: 726, 728, 730) or acquired domain (EOIs: 733, 738, 739, 743, 1086). Furthermore, the single Louisiana parcel (EOI: 2277) is privately owned, while the subsurface is public domain.

A federal oil and gas lease is a legal contract that grants exclusive rights to the lessee to develop federally-owned oil and gas resources, but does not authorize surface-disturbing activities or obligates the lessee to drill a well on a parcel in the future. Interested parties, such as private individuals or companies, may file EOIs to nominate parcels for competitive bid and leasing by the BLM. If the parcels are leased and the lessee identifies a detailed plan for oil and gas development for the parcels in the future, an Application for Permit to Drill (APD) would have to be submitted by the lessee. During this process, the BLM would conduct site-specific environmental analysis and any additional consultations, with any pertinent agency, prior to authorizing any ground disturbing activities.

The BLM analyzed the Proposed Action in two Environmental Assessments; DOI-BLM-ES-020-2017-0004 for the Arkansas parcels and DOI-BLM-ES-0020-2018-0005-EA for the Louisiana parcel. The BLM also completed two Finding of No Significant Impact (FONSI), for each respective EA. These documents provide the required documentation under the National Environmental Policy Act (NEPA), to facilitate the orderly exploration, development, and production of mineral and energy resources, on the proposed acreage, in a manner that avoids or minimizes adverse effects to resources, including threatened and endangered species.

DECISION

The NEPA documents for Arkansas and Louisiana analyzed two alternatives. These were whether to lease or withhold parcels from leasing. The alternative of leasing was selected for the June Sale because it was the alternative that best supported the development of oil and natural gas resources, as mandated by various laws, including the Mineral Leasing Act of 1920, as amended (30 United States Code [USC] 181 et seq.), the Federal Land Policy and Management Act of 1976 (FLPMA),

and the Energy Policy Act of 2005, while also minimizing adverse effects to natural and cultural resources.

As a result of the analyses presented in the EA for the Arkansas parcels (DOI-BLM-ES-020-2017-0004) and the EA for the Louisiana parcel (DOI-BLM-ES-0020-2018-0005-EA), it is my decision to authorize offering for lease 26 parcels (2,248.43 acres) for the June 2018 Competitive Oil and Gas Lease Sale. The Proposed Action coupled with lease stipulations, best management practices, and lease notices demonstrate that all practicable means to avoid or minimize environmental harm have been adopted. As a result, the Proposed Action would not result in unnecessary or undue degradation of public lands and resources.

The BLM will issue competitive leases for parcels sold at the sale, and non-competitive leases may be issued for applications filed for two years after the sale for the unsold parcels, pursuant to 43 CFR 3120.6.

AUTHORITIES

The authority for this decision is contained in the Mineral Leasing Act of 1920, as amended; the Mineral Leasing Act for Acquired Lands of 1947, as amended; the Federal Land Policy and Management Act (FLPMA) of 1976; and the Energy Policy Act of 2005.

TERMS/CONDITIONS/STIPULATIONS

Standard terms and conditions, as well as the lease notices and stipulations, identified within the Sale Notice, as amended through the Errata, would apply and are attached to the lease parcels.

Additionally, any purchaser of a Federal oil and gas lease is required to comply with all applicable Federal, State, and local laws and regulations including obtaining all necessary permits required prior to the commencement of project activities, including but not limited to the following:

- National Environmental Policy Act (1969) and the associated Council on Environmental Quality regulations at 43 CFR Parts 1500-1508
- FLPMA (1976) as amended and the associated regulations at 43 CFR Part 1600
- Mineral Leasing Act (1920) as amended and the regulations at 43 CFR Part 3100
- Clean Water Act (1977)
- Clean Air Act (1970) as amended
- National Historic Preservation Act (NHPA) (1966) as amended and the associated regulations at 36 CFR Part 800
- Endangered Species Act (ESA) (1973) as amended
- Migratory Bird Treaty Act (1918)
- Resource Conservation and Recovery Act (RCRA) (1976) as amended
- Executive Order 11988- Floodplain Management
- Executive Order 119900 – Protection of Wetlands
- Executive Order 12898 – Environmental Justice in Minority Populations & Low-Income Populations
- Oil and Gas Leasing Reform – Land Use Planning and Lease Parcel Reviews (BLM-WO-IM 2018-034)

PUBLIC INVOLVEMENT

The BLM created a website for the June 2018 lease sale that is accessible through the BLM National NEPA Register ePlanning site (<https://bit.ly/2Mk57IL>). The website provides links to NEPA documents, opportunities for public involvement, EOI information, and links to additional project information. The proposed EA and FONSI, for the Arkansas parcels, were posted for a 30-day public comment period from November 16, 2017 – December 15, 2017, and the BLM did not receive any comments on the EA or FONSI. Furthermore, the proposed EA and proposed FONSI, for the Louisiana parcel, were posted for a 30-day public comment period from April 26th, 2018 – May 29th, 2018, and the BLM did not receive any comments on the proposed EA or FONSI.

Protests (June 2018 Lease Sale)

The competitive lease sale notice was posted on the BLM National NEPA Register ePlanning site on April 10, 2018 (<https://bit.ly/2MmjQDd>). This initiated a 10-day protest period of the parcels proposed for the June 2018 lease sale. The protest period ended on April 20, 2018 and the BLM did not receive any protest.

CONSULTATIONS

Arkansas parcels

The BLM conducted and completed the required informal consultation with the U.S. Fish and Wildlife Service (USFWS) in compliance with the ESA Section 7 consultation requirements. The BLM initiated informal consultation with USFWS on August 25, 2017 and received a concurrence letter on October 13, 2017. The BLM also conducted and completed the required consultation with the Arkansas State Historic Preservation Office (SHPO), which occurred from March 8, 2017 to May 31, 2017. The BLM received concurrence letters from SHPO from March 20, 2017 to May 31, 2017.

Finally, the BLM also coordinated with Native American tribes (listed below) from March 8, 2017 to May 31, 2017. Responses agreeing that cultural resource studies are warranted prior to approval of any development proposals were received from 7 tribes (marked with a * in the list below) from March 15, 2017 to May 31, 2017.

The following tribes were contacted:

- Absentee Shawnee Tribe*
- Absentee Shawnee Tribe of Oklahoma
- Alabama-Quassarte Tribal Town
- Arkansas Historic Preservation Program
- Arkansas Natural Heritage Commission
- Cherokee Nation*
- Cherokee Nation of Oklahoma
- Delaware Nation
- Delaware Tribe
- Eastern Band of Cherokee
- Eastern Shawnee Tribe*
- Osage Nation*
- United Keetoowah Band of Cherokee*
- Quapaw Tribe of Oklahoma
- Seminole Nation of Oklahoma*
- Shawnee Tribe*
- Tunica-Biloxi Tribe of Louisiana

Louisiana parcel

The BLM conducted and completed the required informal consultation with the USFWS in compliance with the ESA Section 7 consultation requirements. The BLM initiated informal consultation with USFWS on January 19, 2018 and received a concurrence letter on February 16, 2018. The BLM also conducted and completed the required consultation with the Louisiana State Historic Preservation Office (SHPO). Consultation with the SHPO occurred on January 23, 2018. The BLM received a concurrence letter from the SHPO on April 9, 2018. Finally, the BLM also coordinated with Native American tribes on January 23, 2018.

The following tribes were contacted:

- Alabama-Coushatta Tribe of Texas
- Alabama Quassarte
- Choctaw Nation
- Coushatta Indian Tribe
- Jena Band of Choctaw
- Kialagee Tribal Town
- Mississippi Band of Choctaw
- Muscogee (Creek) Nation
- Thlopthlocco Tribal Town
- Tunica-Biloxi Tribe of Louisiana

Responses were received from 3 tribes from January 25, 2018 to February 24, 2018. The Muscogee (Creek) Nation responded on January 25, 2018. They noted that the parcel did not lie within their area of interest and respectfully deferred to other contacted tribes. The Tribal Historic Preservation Office (THPO) of the Jena Band of Choctaw responded on February 15, 2018, that they were unaware of any Traditional Cultural Property (TCP) presence on the parcel but noted that there was TCP presence within a one (1) mile radius and requested tribal consultation prior to ground disturbing activities. The Choctaw Nation of Oklahoma responded on February 24, 2018 that Lafourche Parish lay outside their area of historic interest. They also respectfully deferred to other contacted tribes. Finally, all three tribes agreed that cultural resource studies are warranted prior to approval of any development proposals.

RATIONALE FOR DECISION

The decision to authorize the issuance of the leases is based on the following:

- Consistency with the resource management plan and the land use plan – For the Arkansas and Louisiana parcels, the decision does not conflict with any known state or local planning or zoning law, regulation, policy or ordinance. Although the proposed lease areas in Arkansas and Louisiana are not covered by a BLM Resource Management Plan, according to the regulations at 43 CFR 1610.8 (b) (1), their respective EAs can be used as the basis for making a decision on the Proposed Action.
- National Policy & Purpose and Need – The issuance of the leases meets the BLM’s purpose and need for action, which is to support the development of oil and natural gas resources that are essential to meeting the nation’s future needs for energy while minimizing adverse effects to natural and cultural resources. The BLM minimizes adverse effects to resources by identifying appropriate lease stipulations and notices, best management practices, and mitigations. It is the policy of the BLM as mandated by various laws, including the Mineral Leasing Act of 1920, as amended (30 United States Code [USC] 181 et seq.), the Federal Land Policy and Management Act of 1976 (FLPMA), and the Energy Policy Act of 2005

to make mineral resources available for development to meet national, regional, and local needs. The BLM's oil and gas leasing program encourages the sustainable development of domestic oil and gas reserves which reduces the dependence of the United States on foreign sources of energy as part of its multiple-use and sustainable yield mandate.

- Agency statutory requirements - the decision is consistent with all required federal, state, tribal, and county regulations/policies required for implementing the Proposed Action.
- Relevant resource issues and finding of no significant impact - as described in the NEPA documents, there would be no direct impacts associated with leasing. There is the potential for minor adverse indirect impacts to resources as a result of potential future oil and gas development; however, none of the impacts were identified as significant and therefore, an environmental impact statement was not required. Additional site-specific NEPA documentation would be completed at the Application for Permit to Drill (APD) stage, should future development occur.
- Application of measures to minimize environmental impacts - standard terms & conditions, as well as stipulations identified in the EAs would apply to the leases, as required by 43 CFR 3131.3.

Authorized Officer:



Mitchell Leverette

Acting State Director, BLM Eastern States

6/18/18
Date

Attachment 1: Appeals Procedures and Form 1842-1

Attachment 2: Louisiana parcel with associated stipulations and notices

Attachment 3: Arkansas parcel list with associated stipulations and notices

Attachment 4: Compilation of BLM Stipulations, Notices and Best Management Practices
for Federal Minerals Located in Arkansas

Attachment 1: Appeals Procedures

In accordance with 43 CFR 4.411 and 4.413, any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision to the Interior Board of Land Appeals (IBLA). The appeal must be filed within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision. In accordance with 43 CFR 4.411 and 4.412, the appeal shall state clearly and concisely the reason(s) why the appellant thinks the final decision of the authorized officer is wrong.

Pursuant to 43 CFR 4.21(b) and 4.413(a), an appellant also may petition for a stay of the final decision pending appeal by filing a petition for stay along with the appeal within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision. At this time, the BLM will not accept appeals sent by electronic mail. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal, and any petition for stay, on any person named in the decision and listed at the end of the decision, and on to the appropriate Office of the Solicitor.

STANDARDS FOR OBTAINING A STAY

Pursuant to 43 CFR 4.21(b) (1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL.....	A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the <i>Notice of Appeal</i> in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a <i>Notice of Appeal</i> in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
2. WHERE TO FILE	Bureau of Land Management Eastern States Office 20 M Street SE, Suite 950 Washington D.C. 20003
NOTICE OF APPEAL.....	
WITH COPY TO SOLICITOR...	Regional Solicitor, Southeast Region U.S. Department of the Interior 75 Spring Street, SW., Suite 304 Atlanta, Georgia 30303
3. STATEMENT OF REASONS	Within 30 days after filing the <i>Notice of Appeal</i> , file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the <i>Notice of Appeal</i> , no additional statement is necessary (43 CFR 4.412 and 4.413).
WITH COPY TO SOLICITOR.....	Regional Solicitor, Southeast Region U.S. Department of the Interior 75 Spring Street, SW., Suite 304 Atlanta, Georgia 30303
4. ADVERSE PARTIES.....	Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the <i>Notice of Appeal</i> , (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).
5. PROOF OF SERVICE.....	Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).
6. REQUEST FOR STAY.....	<p>Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your <i>Notice of Appeal</i> (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.</p> <p>Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.</p>

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-I, September 2006)

Attachment 2: Louisiana parcel with associated stipulations and notices

Private Surface - Public Domain Minerals

Parcel #: ES-027-06/2018 BLM Serial #: LAES 59301 PD EOI #: 2277

Louisiana: Lafourche Parish
T15S, R16E, Louisiana Meridian, Louisiana
Sec. 153 All
5.56 Acres
\$9.00 Rental

Subject to:

- BLM Stipulations for Cultural Resources & Tribal Consultation, Endangered Species and Sensitive Plant Species
- Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application

STIPULATIONS

Cultural Resources and Tribal Consultation

Stipulation: These leases may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. These obligations may include a requirement that you provide a cultural resources survey conducted by a professional archaeologist approved by the State Historic Preservation Office (SHPO). If currently unknown burial sites are discovered during development activities associated with this lease, these activities must cease immediately, applicable law on unknown burials will be followed and, if necessary, consultation with the appropriate tribe/group of federally recognized Native Americans will take place. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

Endangered Species

Stipulation: The lease areas may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid SLM-approved activity that will contribute to a need to list such a species or their habitat. BLM may require modifications to or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligations under applicable requirements of the

Endangered Species Act as amended, 16 U.S.C. 1531 et seq., including completion of any required procedure for conference or consultation.

Exception: None

Modification: None

Waiver: None

Sensitive Plant Species

Stipulation (CSU): All suitable special status plant species habitat will be identified during environmental review of any proposed surface use activity. If field examination indicates that habitat of one or more of these species is present, the BLM will require a survey by a qualified botanist for special status plants during periods appropriate to each species. Operations will not be allowed in areas where sensitive plants would be affected.

Objective: To protect threatened, endangered, candidate, proposed, and BLM sensitive plant species.

Exception: An exception may be granted if the operator agrees to implement measures developed in consultation with USFWS and in coordination with State agencies.

Modification: The stipulation may be modified if it is determined that a portion of the lease area does not contain sensitive plant species habitat.

Waiver: The stipulation may be waived if, based on field surveys, it is determined that the lease area does not contain sensitive plant species habitat.

LEASE NOTICES/BEST MANAGEMENT PRACTICES

Migratory Birds and Federally Listed Wildlife

Objective: To protect perch and roosting sites and terrestrial habitats for and to avoid potential impacts to migratory birds and federally listed wildlife.

Any reserve pit that is not closed within 10 days after a well is completed and that contains water must be netted or covered with floating balls, or another method must be used to exclude migratory birds. All powerlines must be built to protect raptors and other migratory birds, including bald eagles, from accidental electrocution, using methods detailed by the Avian Power Line Interaction Committee (APLIC 2006)

Perching and Nesting Birds and Bats

Objective: To prevent birds and bats from entering or nesting in or on open vent stack equipment. Open vent stack equipment, such as heater-treaters, separators, and dehydrator units, will be designed and constructed to prevent birds and bats from entering or nesting in or on such units and, to the extent practical, to discourage birds from perching on the stacks. Installing cone-shaped mesh covers on all open vents is one suggested method. Flat mesh covers are not expected to discourage perching and will not be acceptable.

Invasive and Non-Native Species

Objective: To discourage the spread of invasive, non-native plants.

Use of native or non-invasive plants in seeding mixtures will be encouraged to stabilize disturbed areas and during restoration activities. Construction sites will be surveyed for invasive species prior to ground disturbance. If invasive species are found, the proper control measures will be used to either eradicate the species from the area or minimize its spread to other areas. If cogongrass is found on site, equipment will be washed before exiting the site to prevent the spread of this highly invasive species to other locations. Post-construction monitoring for cogongrass and other invasive plant species should be conducted to ensure early detection control. In the case of split-estate lands, final seed mixtures will be formulated in consultation with the private landowner.

Pesticide Application

Objective: To protect the water quality of watersheds and natural stream substrate and morphology supporting special status species and their host species.

Any ground application of herbicides or other pesticides, sterilants, or adjuvants within 150 feet of listed species or habitat will require site-specific control measures developed in coordination or formal consultation with USFWS. No aerial application of herbicides or pesticides will be permitted.

Attachment 3: Arkansas parcel list with associated stipulations and notices

Private Surface, Acquired Minerals:

Parcel #: ES-001-06/2018 BLM Serial #: ARES0059269 PD EOI #: 726

Arkansas, Cleburne County

T12N, R8W, Fifth Principal Meridian

Sec. 2: Fractional NW.

13.20 Acres

\$21.00 Rental

Subject to the following stipulations/notices listed in Attachment 4:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, and Bats: Indiana bat, Ozark big-eared bat, Virginia big-eared bat, northern long-eared bat, or gray bat.
 - BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application
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Parcel #: ES-002-06/2018 BLM Serial #: ARES059270 PD EOI #: 726

Arkansas, Cleburne County

T12N, R8W, Fifth Principal Meridian

Sec. 8: NENE, NWSE.

80.00 Acres

\$120.00 Rental

Subject to the following stipulations/notices listed in Attachment 4:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, Bald Eagle, and Bats: Indiana bat, Ozark big-eared bat, Virginia big-eared bat, northern long-eared bat, or gray bat
 - BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application.
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Parcel #: ES-003-06/2018 BLM Serial #: ARES059271 PD EOI #: 726

Arkansas, Cleburne County
T12N, R8W, Fifth Principal Meridian
Sec. 9: E2NE, NESE.
Sec. 10: NWSW.
160 Acres
\$240.00 Rental

Subject to the following stipulations/notices listed in Attachment 4:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, and Bats: Indiana bat, Ozark big-eared bat, Virginia big-eared bat, northern long-eared bat, or gray bat.
 - BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application
-

Parcel #: ES-005-06/2018 BLM Serial #: ARES059273 PD EOI #: 726

Arkansas, Cleburne County
T12N, R8W, Fifth Principal Meridian
Sec. 15: NWNW.
40.00 Acres
\$60.00 Rental

Subject to the following stipulations/notices listed in Attachment 4:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, and Bats: Indiana bat, Ozark big-eared bat, Virginia big-eared bat, northern long-eared bat, or gray bat
 - BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application
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Parcel #: ES-006-06/2018 BLM Serial #: ARES059274 PD EOI #: 726

Arkansas, Cleburne County
T12N, R8W, Fifth Principal Meridian
Sec. 17: E2NW, NWNW.
120.00 Acres
\$180.00 Rental

Subject to the following stipulations/notices listed in Attachment 4:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, and Bats: Indiana bat, Ozark big-eared bat, Virginia big-eared bat, northern long-eared bat, or gray bat
- BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application

Parcel #: ES-007-06/2018 BLM Serial #: ARES059275 PD EOI #: 726

Arkansas, Cleburne County
T12N, R8W, Fifth Principal Meridian
Sec. 35: NWNW.
40.00 Acres
\$60.00 Rental

Subject to the following stipulations/notices listed in Attachment 4:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, and Bats: Indiana bat, Ozark big-eared bat, Virginia big-eared bat, northern long-eared bat, or gray bat
- BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application

Parcel #: ES-008-06/2018 BLM Serial #: ARES059276 PD EOI #: 728

Arkansas, Cleburne County
T12N, R10W, Fifth Principal Meridian
Sec. 9: N2SW, N2NESWSW, N2NWSESW, N2NWSWSW, NWSE, N2SWSE, SESWSE, and SESE.
205.00 Acres
\$307.50 Rental

Subject to the following stipulations/notices listed in Attachment 4:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, and Bats: Indiana bat, Ozark big-eared bat, Virginia big-eared bat, northern long-eared bat, or gray bat
 - BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application
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Parcel #: ES-009-06/2018 BLM Serial #: ARES059277 PD EOI #: 728

Arkansas, Cleburne County
T12N, R10W, Fifth Principal Meridian
Sec. 15: NWSW, SESW, and SWSE.
120.00 Acres
\$180.00 Rental

Subject to the following stipulations/notices listed in Attachment 4:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, and Bats: Indiana bat, Ozark big-eared bat, Virginia big-eared bat, northern long-eared bat, or gray bat
 - BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application
-

Parcel #: ES-010-06/2018 BLM Serial #: ARES059278 PD EOI #: 730

Arkansas, Cleburne County
T12N, R12W, Fifth Principal Meridian
Sec. 23: NESE.
40.00 Acres
\$60.00 Rental

Subject to the following stipulations/notices listed in Attachment 4:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, and Bats: Indiana bat, Ozark big-eared bat, Virginia big-eared bat, northern long-eared bat, or gray bat
 - BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application
 - *All Federal Minerals affected by this lease are unleased. The lands included in this parcel are fully committed to Communitization Agreement (CA) ARES 56447, approved effective August 3, 2010. Under terms of the agreement, any lease offered for these mineral lands will include a Stipulation, which requires the successful bidder to negotiate a joinder to the unit prior to the lease being issued. The responsibility for the successful negotiations lies entirely with the successful bidder and the non-federal parties involved in the CA. If the joinder is not negotiated, the lease will not be issued.
 - *When the evidence is filed with the above office, a copy of the transmittal letter must be filed in the State Office in Washington, DC, mail to: Bureau of Land Management-Eastern States Office, Attention: Division of Natural Resources (ES-934), 20 M Street, S.E., Suite 950, Washington, DC 20003.
-

Private Surface, Acquired Domain Minerals

Parcel #: ES-011-06/2018 BLM Serial #: ARES059279 ACO EOI #: 733

Arkansas, Van Buren County

T9N, R12W, Fifth Principal Meridian

Sec. 21: S2SE, that part lying southerly of Cadron Creek.

1/8 Mineral Interest

65.00 Acres

\$97.50 Rental

Subject to the following stipulations/notices listed in Attachment 4:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, and Bats: Indiana bat, Ozark big-eared bat, Virginia big-eared bat, northern long-eared bat, or gray bat
- BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application
- *All Federal Minerals affected by this lease are unleased. The lands included in this parcel are fully committed to CA ARES 56447, approved effective August 3, 2010. Under terms of the agreement, any lease offered for these mineral lands will include a Stipulation, which requires the successful bidder to negotiate a joinder to the unit prior to the lease being issued. The responsibility for the successful negotiations lies entirely with the successful bidder and the non-federal parties involved in the CA. If the joinder is not negotiated, the lease will not be issued.
- *When the evidence is filed with the above office, a copy of the transmittal letter must be filed in the State Office in Washington, DC, mail to: Bureau of Land Management-Eastern States Office, Attention: Division of Natural Resources (ES-934), 20 M Street, S.E., Suite 950, Washington, DC 20003.

Parcel #: ES-012-06/2018 BLM Serial #: ARES059299 PD EOI #: 738

Arkansas, Van Buren County

T11N, R14W, Fifth Principal Meridian

Sec. 1: SWNW.

39.59 Acres

\$60.00 Rental

Subject to the following stipulations/notices listed in Attachment 4:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, and Bats: Indiana bat, Ozark big-eared bat, Virginia big-eared bat, northern long-eared bat, or gray bat
 - BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application
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Parcel #: ES-013-06/2018 BLM Serial #: ARES059280 PD EOI #: 738

Arkansas, Van Buren County
T11N, R14W, Fifth Principal Meridian
Sec. 2: NENW.
39.80 Acres
\$60.00 Rental

Subject to the following stipulations/notices listed in Attachment 4:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, and Bats: Indiana bat, Ozark big-eared bat, Virginia big-eared bat, northern long-eared bat, or gray bat
- BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application

Parcel #: ES-014-06/2018 BLM Serial #: ARES059281 PD EOI #: 738

Arkansas, Van Buren County
T11N, R14W, Fifth Principal Meridian
Sec. 4: W2SE.
80.00 Acres
\$120.00 Rental

Subject to the following stipulations/notices listed in Attachment 4:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, and Bats: Indiana bat, Ozark big-eared bat, Virginia big-eared bat, northern long-eared bat, or gray bat
- BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application

Parcel #: ES-015-06/2018 BLM Serial #: ARES059282 PD EOI #: 738

Arkansas, Van Buren County
T11N, R14W, Fifth Principal Meridian
Sec. 6: S2NW, S2NE, NWNE, N2NW, W2SW.
364.38 Acres
\$547.50 Rental

Subject to the following stipulations/notices listed in Attachment 4:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, and Bats: Indiana bat, Ozark big-eared bat, Virginia big-eared bat, northern long-eared bat, or gray bat
 - BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application
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Parcel #: ES-016-06/2018 BLM Serial #: ARES059283 PD EOI #: 738

Arkansas, Van Buren County
T11N, R14W, Fifth Principal Meridian
Sec. 18: W2NW, NESW.
122.38 Acres
\$184.50 Rental

Subject to the following stipulations/notices listed in Attachment 4:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, and Bats: Indiana bat, Ozark big-eared bat, Virginia big-eared bat, northern long-eared bat, or gray bat
- BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application

Parcel #: ES-017-06/2018 BLM Serial #: ARES059284 PD EOI #: 739

Arkansas, Van Buren County
T11N, R15W, Fifth Principal Meridian
Sec. 1: NENE and E2SE.
119.99 Acres
\$180.00 Rental

Subject to the following stipulations/notices listed in Attachment 4:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, and Bats: Indiana bat, Ozark big-eared bat, Virginia big-eared bat, northern long-eared bat, or gray bat
 - BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application
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Parcel #: ES-018-06/2018 BLM Serial #: ARES059285 PD EOI #: 739

Arkansas, Van Buren County
T11N, R15W, Fifth Principal Meridian
Sec. 13: NENE.
40.00 Acres
\$60.00 Rental

Subject to the following stipulations/notices listed in Attachment 4:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, and Bats: Indiana bat, Ozark big-eared bat, Virginia big-eared bat, northern long-eared bat, or gray bat
- BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application

Parcel #: ES-019-06/2018 BLM Serial #: ARES059286 PD EOI #: 739

Arkansas, Van Buren County
T11N, R15W, Fifth Principal Meridian
Sec. 20: SENW, S2SWNW, S2NWSWNW, NWNWSWNW.
67.50 Acres
\$102.00 Rental

Subject to the following stipulations/notices listed in Attachment 4:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, and Bats: Indiana bat, Ozark big-eared bat, Virginia big-eared bat, northern long-eared bat, or gray bat
- BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application

Parcel #: ES-020-06/2018 BLM Serial #: ARES059287 PD EOI #: 739

Arkansas, Van Buren County
T11N, R15W, Fifth Principal Meridian
Sec. 23: SWSE.
40.00 Acres
\$60.00 Rental

Subject to the following stipulations/notices listed in Attachment 4:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, and Bats: Indiana bat, Ozark big-eared bat, Virginia big-eared bat, northern long-eared bat, or gray bat
- BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application

Parcel #: ES-021-06/2018 BLM Serial #: ARES059288 PD EOI #: 739

Arkansas, Van Buren County
T11N, R15W, Fifth Principal Meridian
Sec. 24: NWNE.
40.00 Acres
\$60.00 Rental

Subject to the following stipulations/notices listed in Attachment 4:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, and Bats: Indiana bat, Ozark big-eared bat, Virginia big-eared bat, northern long-eared bat, or gray bat
- BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application

Parcel #: ES-022-06/2018 BLM Serial #: ARES059289 PD EOI #: 739

Arkansas, Van Buren County
T11N, R15W, Fifth Principal Meridian
Sec. 26: S2NW.
80.00 Acres
\$120.00 Rental

Subject to the following stipulations/notices listed in Attachment 4:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, and Bats: Indiana bat, Ozark big-eared bat, Virginia big-eared bat, northern long-eared bat, or gray bat
- BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application
- *The lands included in this parcel are fully committed to CA ARES056321, approved effective April 15, 2010. The successful bidder is required to file evidence of having entered into an agreement with the CA operator for the development and operation of the subject lands under the terms and provisions of the approved CA.
- *The successful bidder should immediately contact the CA Operator SWN Production (Arkansas), LLC, 10000 Energy Drive, Spring, Texas 77389. In order to join the CA, the operator will give instructions about executing copies of the joinder agreement. Five duplicate originally signed copies of the joinder agreement must be furnished to the BLM, Southeastern States District Office, 273 Market Street, Flowood, Mississippi 39232.
- *When the evidence is filed with the above office, a copy of the transmittal letter must be filed in the State Office in Washington, DC, mail to: Bureau of Land Management-Eastern States Office, Attention: Division of Natural Resources (ES-934), 20 M Street, S.E., Suite 950, Washington, DC 20003.

Parcel #: ES-023-06/2018 BLM Serial #: ARES059290 PD EOI #: 739

Arkansas, Van Buren County
T11N, R15W, Fifth Principal Meridian
Sec. 29: SESW, S2SE.
120.00 Acres
\$180.00 Rental

Subject to the following stipulations/notices listed in Attachment 4:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, and Bats: Indiana bat, Ozark big-eared bat, Virginia big-eared bat, northern long-eared bat, or gray bat
- BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application

Parcel #: ES-024-06/2018 BLM Serial #: ARES059291 PD EOI #: 743

Arkansas, Van Buren County
T12N, R15W, Fifth Principal Meridian
Sec. 15: W2NE.
80.00 Acres
\$120.00 Rental

Subject to the following stipulations/notices listed in Attachment 4:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, and Bats: Indiana bat, Ozark big-eared bat, Virginia big-eared bat, northern long-eared bat, or gray bat
- BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application

Parcel #: ES-025-06/2018 BLM Serial #: ARES059292 PD EOI #: 743

Arkansas, Van Buren County
T12N, R15W, Fifth Principal Meridian
Sec. 26: NWNW.
40.00 Acres
\$60.00 Rental

Subject to the following stipulations/notices listed in Attachment 4:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, and Bats: Indiana bat, Ozark big-eared bat, Virginia big-eared bat, northern long-eared bat, or gray bat
- BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application

Parcel #: ES-026-06/2018 BLM Serial #: ARES059293 PD EOI #: 1086

Arkansas, Cleburne County

T9N, R11W, Fifth Principal Meridian

Sec. 6: N2NE.

86.03 Acres

\$130.5 Rental

Subject to the following stipulations/notices listed in Attachment 4:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, and Bats: Indiana bat, Ozark big-eared bat, Virginia big-eared bat, northern long-eared bat, or gray bat
 - BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application
 - *The lands included in this parcel are fully committed to CA ARES0057508, approved effective July 15, 2011. The successful is required to file evidence of having entered into an agreement with the CA operator for the development and operation of the subject lands under the terms and provisions of the approved CA.
 - *The successful bidder should immediately contact the CA Operator SWN Production (Arkansas), LLC, 1000 Energy Drive, Spring, Texas 77389. In order to join the CA, the operator will give instructions about executing copies of the joinder agreement. Five duplicate originally signed copies of the joinder agreement must be furnished to the BLM, Southeastern States District Office, 273 Market Street, Flowood, Mississippi 39232.
 - *When the evidence is filed with the above office, a copy of the transmittal letter must be filed in the State Office in Washington, DC, mail to: Bureau of Land Management-Eastern States Office, Attention: Division of Natural Resources (ES-934), 20 M street, S.E., Suite 950, Washington, DC 20003.
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Attachment 4: Compilation of BLM Stipulations, Notices and Best Management Practices for Federal Minerals Located in Arkansas

STIPULATIONS

Cultural Resources and Tribal Consultation

Stipulation: This lease may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. These obligations may include a requirement that you provide a cultural resources survey conducted by a professional archaeologist approved by the State Historic Preservation Office (SHPO). If currently unknown burial sites are discovered during development activities associated with this lease, these activities must cease immediately, applicable law on unknown burials will be followed and, if necessary, consultation with the appropriate tribe/group of federally recognized Native Americans will take place. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

Endangered Species

Stipulation: The lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activity that will contribute to a need to list such a species or their habitat. BLM may require modifications to or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligations under applicable requirements of the Endangered Species Act as amended, 16 U.S.C. 1531 et seq., including completion of any required procedure for conference or consultation.

Exception: None

Modification: None

Waiver: None

Sensitive Plant Species

Stipulation (CSU): All suitable special status plant species habitat will be identified during environmental review of any proposed surface use activity. If field examination indicates that habitat of one or more of these species is present, the BLM will require a survey by a qualified botanist for special status plants during periods appropriate to each species. Operations will not be allowed in areas where sensitive plants would be affected.

Objective: To protect threatened, endangered, candidate, proposed, and BLM sensitive plant species.

Exception: An exception may be granted if the operator agrees to implement measures developed in consultation with the USFWS and in coordination with State agencies.

Modification: The stipulation may be modified if it is determined that a portion of the lease does not contain sensitive plant species habitat.

Waiver: The stipulation may be waived if, based on field surveys, it is determined that the lease area does not contain sensitive plant species habitat.

Bats - Applies to all Arkansas EOI #s

Stipulation (NSO): No surface occupancy or disturbance would be permitted within 10 miles of hibernacula, 5 miles of maternity roosts, and 2.5 miles of non-maternity record locations for the following species: gray bat, Indiana bat, Ozark big-eared bat, northern long-eared bat, and Virginia big-eared bat.

Objective: To avoid adverse effects to special status bats.

Exception: An exception may be granted if the project would not result in adverse effects to these special status bats or their habitat, with concurrence from the USFWS.

Modification: None.

Waiver: This stipulation may be waived if the lease does not contain suitable habitat for gray bat, Indiana bat, northern long-eared bat, Ozark big-eared bat, Virginia big-eared bat, with concurrence from USFWS.

Bats (CSU Stipulation)

Stipulation: No removal of trees or snags over 5 inches in diameter permitted between March 16 and November 30 within known or potential range of the northern long-eared bat.

Objective: To prevent disturbance of summer/nursery roosting areas of special status bats.

Exception: An exception may be granted if the project can be modified sufficiently to result in no adverse effect on special status species, with concurrence from the USFWS.

Modification: None.

Waiver: None.

Freshwater Aquatic Habitat

Stipulation (NSO): No surface occupancy or disturbance, including discharges, are permitted within 250 feet of a river, stream, wetland spring, headwater, wet meadow, wet pine savanna, pond, tributary, lake, coastal slough, sand bar, vernal pools, calcareous seepage marsh, or small, marshy calcareous stream. If the slope exceeds 10 percent, the buffer may be extended to 600 feet to provide adequate protection for aquatic habitats and associated species.

Regardless of buffer width, appropriate sediment and erosion control BMPs should be implemented as defined in the following USFWS documents: (1) Arkansas Best Management Practices for Fayetteville Shale Natural Gas Activities (2007) and (2) Arkansas Best Management Practices for Natural Gas Pipeline Construction and Maintenance Activities in the Fayetteville Shale Area - Upper Little Red River Watershed (2009). These BMP documents can be found at <https://www.fws.gov/arkansas-es/docs/>.

Objective: To protect the water quality of watersheds and natural stream substrate and morphology and to avoid potential impacts to aquatic species and their habitat.

Exception: An exception may be granted if the operator agrees to 1) span creeks, rivers, wetlands, and floodplains by attaching pipelines to bridges; 2) directionally drill wells and pipelines from upland sites under creeks, rivers, other waters, and wetlands or 3) implement other measures developed in consultation with USFWS and in coordination with State agencies.

Modification: The buffer may be reduced if the adjacent waterway has been surveyed for 100 yards upstream and 300 yards downstream of the site, and the results document the lack of suitable/occupied/critical habitat for listed species which may be affected by the project, as determined by the BLM and USFWS.

Waiver: None

LEASE NOTICES/BEST MANAGEMENT PRACTICES

Migratory Birds and Federally Listed Wildlife

Objective: To protect perch and roosting sites and terrestrial habitats for and to avoid potential impacts to migratory birds and federally listed wildlife.

Any reserve pit that is not closed within 10 days after a well is completed and that contains water must be netted or covered with floating balls, or another method must be used to exclude migratory birds.

All power lines must be built to protect raptors and other migratory birds, including bald eagles, from accidental electrocution, using methods detailed by the Avian Power Line Interaction Committee (APLIC 2006)

Perching and Nesting Birds and Bats

Objective: To prevent birds and bats from entering or nesting in or on open vent stack equipment.

Open vent stack equipment, such as heater-treaters, separators, and dehydrator units, will be designed and constructed to prevent birds and bats from entering or nesting in or on such units and, to the extent practical, to discourage birds from perching on the stacks. Installing cone-shaped mesh covers on all open vents is one suggested method. Flat mesh covers are not expected to discourage perching and will not be acceptable.

Invasive and Non-Native Species

Objective: To discourage the spread of invasive, non-native plants.

Use of native or non-invasive plants in seeding mixtures will be encouraged to stabilize disturbed areas and during restoration activities. Construction sites will be surveyed for invasive species prior to ground disturbance. If invasive species are found, the proper control measures will be used to either eradicate the species from the area or minimize its spread to other areas. If cogongrass is found on site, equipment will be washed before exiting the site to prevent the spread of this highly invasive species to other locations. Post-construction monitoring for cogongrass and other invasive plant species should be conducted to ensure early detection control. In the case of split-estate lands, final seed mixtures will be formulated in consultation with the private landowner.

Pesticide Application

Objective: To protect the water quality of watersheds and natural stream substrate and morphology supporting special status species and their host species.

Any ground application of herbicides or other pesticides, sterilants, or adjuvants within 150 feet of listed species or habitat will require site-specific control measures developed in coordination with or in formal consultation with USFWS. No aerial application of herbicides or pesticides will be permitted.